Notice of Allowability 10803,177 WAINWRIGHT ET AL. Art Unit The MAILING DATE of this communication appears on the cover sheet with the correspondence address- claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not includes rewith (or previously mailed), a Notice of Allowance (PTOL-95) or other appropriate communication will be mailed in due course. THI TOTEC oF ALLOWABILITY IS NOT A GRANT OP PATENT RIGHTS. This application is subject to withdrawal from issue at the inti the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308. Image: The allowed claim(s) is/are 1-14 and 79-85. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) [mill b) [mill some* c) [mone of the: 1. [mill conflied copies of the priority documents have been received.		Application No.	Applicant(s)	
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DETAILED ACTION

Allowable Subject Matter

Claims 1-14 and 79-85 are allowed.

As to independent claim 1, no prior art has been found to show or suggest a housing comprising a hemocyte lysates and an anti-flaking agent dried on a region of a conduit. Applicant has persuasively argued that the Tanaka reference teaches the permanent immobilization of a lysate onto a solid carrier. This teaches away from the claimed limitations which express that the lysate is solubilized and transported across the conduit upon interaction with a test sample. The Matuura (US 5318893) discloses the use of a freeze dried hemocyte lysate that is dissolved in a buffer and added to a solution that possibly contains microbial contaminants. Matuura, however, does not teach that the freeze dried hemocyte is applied to the walls of a cartridge. Furthermore, Tanaka and Matuura do not disclose the use of an anti-flaking agent.

As to independent claim 7, no prior art has been found to show or suggest a housing defining multiple fluid channels wherein one of the multiple channels includes a dried agent representative of a microbial contaminant. The Mahiout reference does not disclose the use of a positive control, or the use of reagents dried to the conduit walls. In Mahiout, reagents are disposed on a packing material within the conduit as opposed to being dried on the walls of the conduit. As indicated above, Applicant has persuasively argued that the cited prior art teaches the permanent immobilization of a lysate onto a solid carrier, and therefore teaches away from disposing lysates and microbial contamination representative agents so that they are solubilized and transported across the conduit upon interaction with a test sample.

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As to independent claim 79, no prior art has been found to show or suggest a housing comprising a conduit that is used to pump a sample across dried hemocyte lysate disposed within a channel. As already stated, Applicant has persuasively argued that the cited prior art teaches the permanent immobilization of a lysate onto a solid carrier, and therefore teaches away from solubilizing and transporting a hemocyte lysate across a conduit. Since the Mahiout reference teaches that fluids move through the system using capillary forces, Mahiout provides no suggestion that the system is compatible with a fluid pumping mechanism.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan A. Bowers whose telephone number is (571) 272-8613. The examiner can normally be reached on Monday-Friday 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/803,177 Art Unit: 1744

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MUV

SUPERVISORY PATENT EXAMINER